

FOURTH APPELLATE DISTRICT
DIVISION ONE
AUGUST 2, 2004

D044757 In re Nasirichampang on Habeas Corpus

The petition is denied.

D044726 Dzenkowski-Castillo et al. v. Superior Court of San Diego County/San Diego Museum of Art. et al.

The petition is denied.

D043823 In re N.P., a Juvenile

The Agency's motion to augment the record on appeal with additional evidence is denied. Marie's motion to strike all references in the Agency's respondent's brief to the Agency's postjudgment, interim review report is granted. The order terminating parental rights and selecting adoption as the permanent plan for N.P. is affirmed. Nares, J.; We Concur: McConnell, P.J., Haller, J.

D044333 In re Leah H., a Juvenile

The appeal is dismissed.

D044777 Renee B. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

Pending further order of this court, San Diego County Health and Human Services Agency (Agency) is prohibited from moving Carl R. from his convalescent hospital in San Diego to the prospective adoptive home in Sacramento. The Agency is directed to file a response to the petition on or before August 6, 2004.

D042200 Agosta v. Astor et al.

The petition for rehearing is denied.

D044720 In re Consiglio on Habeas Corpus

The petition is denied without prejudice to refile after consideration by the superior court or a showing that the superior court has refused to rule on the matter or delayed an inordinate period of time.

D044739 In re Consiglio on Habeas Corpus

The petition is denied for the reasons set forth in *In re Consiglio*, D044705.

D044705 In re Consiglio on Habeas Corpus

The petition is denied.

D044173 People v. Robinson

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 30.3).

D044780 Holden et al. v. Superior Court of San Diego County/Margolis et al.

The petition is denied.

FOURTH APPELLATE DISTRICT
DIVISION ONE
AUGUST 3, 2004

D044762 People v. Jones

An appeal from a judgment of conviction on a misdemeanor is taken to the appellate division of the superior court. The clerk is directed to transmit the notice of appeal to the appellate division of the San Diego Superior Court. The appeal in this court is dismissed.

D039816 Goehring et al. v. Chapman University

The judgment is affirmed. The parties are to bear their own costs on appeal. CERTIFIED FOR PUBLICATION. McConnell, P.J.; We Concur: Huffman, J., Aaron, J.

D041693 Frese v. Madden et al.

The judgment and the order are affirmed. Each party to bear his/her own costs on appeal. Benke, Acting P.J.; We Concur: Haller, J., McIntyre, J.

D043524 In re Diego A., a Juvenile

The judgment is affirmed. Benke, Acting P.J.; We Concur: Haller, J., McIntyre, J.

D043563 In re Jasmine P., a Juvenile

The orders are affirmed. McDonald, J.; We Concur: Haller, Acting P.J., McIntyre, J.

D043333 In re Destiny P., a Juvenile

The judgments are affirmed. Haller, J.; We Concur: McConnell P.J., McDonald, J.

FOURTH APPELLATE DISTRICT
DIVISION ONE
AUGUST 4, 2004

D044622 Esther T. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Esther T. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D042023 Klein v. Walgreen Company et al.

We reverse the order granting Walgreen's special motion to strike under section 425.16. Klein is entitled to costs on appeal. McConnell, P.J.; We Concur: Haller, J., McDonald, J.

D044754 Svane et al. v. Superior Court of San Diego County/Rysewyk et al.

The petition is denied as untimely under Code of Civil procedure section 170.3, subdivision (d).

D043870 In re Ashley K., a Juvenile

The orders are affirmed. Aaron, J.; We Concur: McConnell, P.J., Haller, J.

D044116 In re Ashley K., a Juvenile

The orders are affirmed. Haller, J.; We Concur: McConnell, P.J., Aaron, J.

D041505 Nevada Lending Corporation v. Fallbrook Golf Club, Inc.

The judgment is affirmed. The Club is awarded its costs on appeal. McIntyre, J.; We Concur: Nares, Acting P.J.; Haller, J.

D043802 In re Natural Gas Anti-Trust Cases I, II, III & IV

Appellant has failed to file a brief. The appeal is dismissed.

D044721 In re D'Andre Brooks on Habeas Corpus

The petition is denied.

FOURTH APPELLATE DISTRICT
DIVISION ONE
AUGUST 5, 2004

Court convened at 10 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices
Judith Haller and Alex McDonald
Clerk: D. E. Moore

D041992 Quang v. Tran

Cause called on merits. Leon J. Saad, Esq. argued for appellant. George De La Flor, Esq. argued for respondent. Mr. Saad replied. Cause submitted.

Court adjourned at 10:31 a.m.

D043188 Whaley et al. v. Sony Computer Entertainment America, Inc. et al.

The trial court's order denying the motion to compel arbitration is affirmed. Costs are awarded to respondents. Aaron, J.; I concur. McIntyre, J., I Concur in the Result: Huffman, Acting P.J.

D043543 In re Cipro Cases I and II

The opinion filed July 21, 2004, is ordered certified for publication.

D044659 In re Lopez on Habeas Corpus

The petition is denied.

D044797 Ludyjan v. Havird

The petition is denied.

FOURTH APPELLATE DISTRICT
DIVISION ONE
AUGUST 6, 2004

D044740 In re Howell on Habeas Corpus

The petition is denied.

D042683 Jimenez-Aldama et al. v. Tau Kappa Epsilon Fraternity Inc., et al.

The judgment is affirmed. TKE is entitled to costs on appeal. McDonald, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.

D044722 Friwat et al. v. Superior Court of San Diego County/Koo et al.

The petition is denied.

D041664 People v. McAllister

The judgment is affirmed. McDonald, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D043194 People v. Halloway

The judgment is affirmed. McDonald, J.; We Concur: O'Rourke, J., Aaron, J.

D038854 Morgano v. Hank Sybrandy Inc., et al.

The judgment is affirmed. Brokers shall recover costs on appeal. McDonald, Acting P.J.; We Concur: Aaron, J., Irion, J.

D043311 People v. Smith

The judgment is reversed with respect to evidence obtained resulting from the search on December 28, 2002 (count 1) and the search of Smith's person on June 11, 2003 (count 4). Smith's pleas of guilty are vacated. (Pen. Code, section 1538.5, subd. (m).) The trial court is directed to grant the motion to suppress the evidence seized on December 28, 2002 (count 1) and those items obtained in the search of Smith's person on June 11, 2003. In all other respects the rulings of the trial court are affirmed. Huffman, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

D042421 In re the Marriage of Shaughnessy

The judgment is affirmed. McDonald, J.; We Concur: Nares, Acting P.J., Irion, J.

D043564 In re Isabel D., a Juvenile

Judgment reversed. Benke, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D041118 People v. Scales

The judgment is affirmed. O'Rourke, J.; We Concur: Nares, Acting P.J., McIntyre, J.

D041915 People v. Wright

The judgment is affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., Irion, J.

D044072 Nybye v. Bacall

Upon written request filed by appellant, the appeal is dismissed.

D044787 In re Daniel W. et al., Juveniles

The order of July 13, 2004 is not appealable. The appeal is therefore dismissed.

FOURTH APPELLATE DISTRICT
DIVISION ONE
AUGUST 6, 2004 (Continued)

D044784 In re Snipes on Habeas Corpus

The petition is denied without prejudice

D044803 Lopes v. Superior Court of San Diego County/People

The petition is denied.

**D044738 Brookfield Homes of San Diego Inc., v. Superior Court of San Diego
County/American Safety Insurance Services, Inc.**

The petition is denied.